


RECEIVED CLERK

JAN 05 2011

U.S. DISTRICT COURT

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JAMES HEAD
Attorney Pro Se
Utah State Prison
P.O. Box 250
Draper, Utah 84020

JAN 14 2011
D. MARK JONES, CLERK
BY  DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT, DISTRICT OF UTAH
CENTRAL DIVISION

JAMES HEAD,)	Case: 2:11cv00019
)	Assigned To : Waddoups, Clark
)	Assign. Date : 1/5/2011
Plaintiff,)	Description: Head v. Tubbs et al
)	
v.)	
)	CIVIL RIGHTS COMPLAINT AND
DR. KENNON TUBBS, Medical Doctor,)	DEMAND FOR JURY TRIAL
at the Utah State Prison, individually;)	
Dr. SYDNEY ROBERTS, Medical Doctor,)	
at the Utah State Prison, individually;)	
JOHN DOES 1-10, Members of the)	
Clearance Review Committee, and)	
employees at the Utah State Prison,)	
individually,)	
)	
Defendants.)	

JURISDICTION

1. Plaintiff, James Head, is a citizen of Utah, who presently resides at the Utah State Prison, P.O. Box 250, Draper, Utah 84020.

2. Defendant Kennon Tubbs, M.D. is a citizen of Utah, and is employed as a Medical Doctor at the Utah State Prison for the Utah Department of Corrections. At the

time the claim(s) alleged in this complaint arose, this defendant was acting under color of state law in that he is a Medical Doctor at the Utah State Prison for the Utah Department of Corrections and is directly responsible for the wrongful actions alleged herein.

3. Defendant Sydney Roberts, M.D. is a citizen of Utah, and is employed as a Medical Doctor at the Utah State Prison at the Utah State Prison for the Utah Department of Corrections. At the time the claim(s) alleged in this complaint arose, this defendant was acting under color of state law in that he is a Medical Doctor for the Utah Department of Corrections and is directly responsible for the wrongful actions alleged herein.

4. Defendant John Does 1-10, whose true names are unknown but are members of the Medical Clearance Review Committee, and when true names are ascertained the pleadings will be amended accordingly, are citizens of Utah, and are employed at the Utah State Prison. At the time the claim(s) alleged in this complaint arose, these defendants were acting under color of state law in that they are employees for the Utah Department of Corrections and are directly responsible for wrongful actions alleged herein.

5. Jurisdiction is invoked pursuant to 28 U.S.C. Sec. 1343 (3); 42 U.S.C. 1983.

B. NATURE OF CASE

6. Plaintiff complains that Defendant Dr. Tubbs, with deliberate indifference to his serious medical condition denied adequate medical treatment for a herniated disc resulting in the disc rupturing at L2-L3.

7. Prior to plaintiff being incarcerated he suffered a back injury while in the mines.

8. In or about June, 2010, plaintiff began experiencing weakness and severe pain in his back. Plaintiff was having trouble getting up to the top bunk and climbing up and down the stairs to the top tier. On several occasions plaintiff requested a bottom bunk and bottom tier clearance from the medical staff in the Oquirrh facility. Plaintiff was denied the clearances based on the medical staff claiming nothing was wrong with the plaintiff.

9. On July 23, 2010, plaintiff was at the Infirmary at the Utah State Prison. Plaintiff claims that Defendant Tubbs, without examining him, diagnosed Plaintiff with a sprain/strain and said that inmate's lie about their medical conditions just to get pain medication. Plaintiff was given and shot and returned to his original housing unit. Prior to plaintiff leaving the infirmary he again requested a bottom bunk, bottom tier clearance. Plaintiff was ignored. When plaintiff arrived back at his housing unit, the housing officer moved him to the bottom tier without the clearance. However, plaintiff was not cleared for a bottom bunk.

10. Plaintiff's medication was delivered to him by the medical technician at his cell for the next few days. On July 27, 2010, plaintiff was informed by Officer Walker over the cell intercom that Med. Tech. Mark Mook stated the doctor wanted the plaintiff to walk, so plaintiff had to make his way to pill line if he wanted his medication.

11. On or about July 20, 2010, after standing in the shower, plaintiff's legs buckled and he collapsed to the floor. Plaintiff was taken to the Oquirrh 5, guard station and seen by Physician Assistant, Logan Clark, at about 10:00 a.m. For the third time, plaintiff requested a bottom bunk, bottom tier clearance and further requested a wheel chair to get around. Plaintiff explained to P.A. Clark about the previous denied requests. At approximately 2:00 p.m., plaintiff was transferred and admitted to the Infirmary.

12. On or about August 4, 2010, an MRI was performed and plaintiff was informed of the result by Defendant Tubbs on August 5, 2010.

13. The same day, August 5, 2010, plaintiff was transported to the University Medical Center, sitting upright in the back of a compact car. Plaintiff underwent surgery of the herniated and rupture disc at L2-L3, with part of his hip bone being removed.

14. Plaintiff claims that as a result of the deliberate indifference to his serious medical needs and denial of the bottom tier and bottom bunk clearance caused additional strain to his back when he had to walk up and down the stairs and climb up and down from the top bunk. By the end of the day, plaintiff's back pains were worse; plaintiff's legs and

knees would give out from going up and down the stairs. As a result, plaintiff's herniated disc ruptured and compressed his spinal cord causing paralysis in his lower extremities. Plaintiff now has to use a wheel chair and has a "wheel chair" pusher assigned to him.

15. Plaintiff requested the bottom bunk and bottom tier clearance because of the pain and in an attempt to prevent more serious injuries to his back by having to climb to the top bunk without a ladder and having to walk up and down the stairs to the top tier to get medication.

16. On or about October 21, 2010, plaintiff was informed by Defendant Dr. Roberts that he was supposed to be walking, instead of being in a wheel chair. Plaintiff informed Defendant Roberts that his left leg had atrophy and he wasn't stable standing on his legs. Plaintiff explained to Defendant Dr. Roberts that when he attempts to stand his left femur bone jams into his left hip joint causing severe pain and suffering. Defendant Dr. Roberts stopped plaintiff's pain medication on October 21, 2010, causing plaintiff to suffer needlessly from the pain. Dr. Roberts violated the plaintiff's rights by failing to adequately provide plaintiff with proper medical treatment and medication resulting in plaintiff being subjected to cruel and unusual punishment.

17. Dr. Tubbs violated plaintiff's constitutional rights to be free from cruel and unusual punishment and violated plaintiff's right to adequate medical care for his serious medical condition and needs when he failed to provide plaintiff with a clearance for a lower

bunk and lower tier. Further, Defendant Tubbs failed to physically examine or provide testing to determine the cause of plaintiff's pain and to determine what medical treatment was needed when plaintiff informed Defendant Dr. Tubbs about the pain in his back which was radiating down his legs.

18. Defendant John Does 1-10, members of the Clearance Review Committee violated the plaintiff's rights by failing to investigate the reason why plaintiff was continuing to request a medical clearance for a lower bunk and bottom tier and denying the clearance outright. Defendant John Does 1-10, Member of the Clearance Review Committee, with deliberate indifference to plaintiff's serious medical condition denied him housing conditions that would have alleviated the strain on plaintiff's back from having to climb up and down the stairs and up and down from the top bunk.

19. Due to the Defendants' actions plaintiff has suffered cruel and unusual punishment and subjected the plaintiff to suffer additional pain and suffering and plaintiff is entitled to punitive damages.

C. CAUSE OF ACTION

20. Plaintiff alleges that the following constitutional rights, privileges or immunities have been violated and that the following facts form the basis for the allegations:

1. Count I: Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment has been violated by Dr. Tubbs in that Dr. Tubbs failed to provide

adequate medical care for plaintiff's serious medical condition and failed to provide plaintiff with a clearance for a lower bunk and lower tier. In addition, Defendant Tubbs with deliberate indifference failed to physically examine or provide testing to plaintiff's pain and to determine what medical treatment the plaintiff needed.

2. Count II: Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment has been violated by Defendant Roberts' actions in that he displayed deliberate indifference to plaintiff's serious medical needs by stopping the pain medication and requiring plaintiff to stand and/or walk on his unstable legs.

3. Count III: Plaintiff's Eighth Amendment right to be free from cruel and unusual punishment has been violated by Defendant John Does 1-10, Members of the Clearance Review Committee, deliberately denied a medical clearance for a bottom bunk and bottom tier.

D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

21. Plaintiff has not filed any other law suits in state or federal court dealing with the same facts involved in this action.


22. Plaintiff has previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of herein to no avail.

E. REQUEST FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

- a) Trial by jury.
- b) That counsel be appointed to represent the Plaintiff in this action.
- c) Punitive damages in the amount of \$10,000.00.
- d) Compensatory damages in the amount of \$10,000.00.
- e) Grant attorney fees and court costs for this action.
- f) Such other and further relief the court deems just and proper.

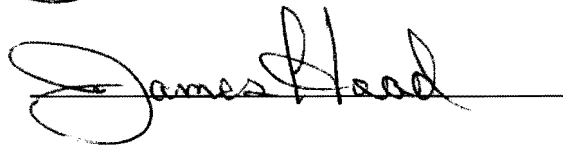
DATED this 15th day of December, 2010.


James Head
Plaintiff

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1976. 18 U.S.C. Sec. 1621.

EXECUTED at 15th on December, 2010.

A handwritten signature in black ink, appearing to read "James Head", is written over a horizontal line.

Declaration of Frank L. Sindar

ON or ABOUT THE END OF JUNE OR THE FIRST OF JULY 2010 JAMES HEAD WAS MOVED FROM UPSTAIRS TO H-DORM DOWNSTAIRS BECAUSE HE WAS HAVING BACK PROBLEMS FOR SOME TIME AND THE DR'S AT THE PRISON TOLD MR HEAD THEY WOULD GIVE HIM A LOWER TIER BOTTOM BUNKER CLEARANCE FOR SOME TIME BUT NEVER DID.

IT WAS NOT UNTILL ALL OF THE CLIMBING OF THE STAIRS THAT KEEP IRRITATING HIS BACK.

AFTER MR HEAD'S BACK WENT OUT THE MED TEGS CAME AND WOULD GIVE HIM HIS MEDS AND TOLD HIM NOT TO GET OUT OF BED FOR AT LEAST 3 DAYS AND AFTER 3 DAYS MR BAKER WOULD PUSH MR HEAD DOWN TO PILL LINE AND AFTER ABOUT 3 DAYS MR HEAD WAS TOLD HE WAS TO WALK DOWN TO PILL LINE AND THAT WAS DR'S ORDERS AND IF HE WAS CAUGHT USING A WHEEL CHAIR HE WOULD RECEIVE A WRIGHT UP AND SO WOULD THE PERSON HE BORROWED THE CHAIR FROM.

LEAVING HIM IN A CATCH 22, MR HEAD WAS IN TOO MUCH PAIN TO WALK AND IF HE DIDN'T GO TO PILL LINE THE PRISON WOULD TELL HIM HE WAS REFUSING HIS MEDS AND HE WAS IN TOO MUCH PAIN WITH OUT THEM.

THERE IS NO EXCUSE FOR DELIBERATE INDIFFERENS OF ANY ONES MEDICAL NEED.

I, DECLAR UNDER PENALTIES OF PERJURY 28 USC SECTION 1746 THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

DATED THIS DAY OF SEP 25TH 2010

Frank L. Sindar #163181
 Frank L. Sindar

Declaration of Robert Baker in support of James Head.

I have known James Head since approximately May of 2005. In this time I have come to believe Mr. Head to be an honest, credible, and forthright person, with little - if any - malice towards others.

Sometime between the end of June and the first part of July (I'm not sure of these dates), James was moved from E-dorm to H-dorm in the Oquirrh Five Facility. I believe this was done by the Housing Officers to accommodate Mr. Head, who was suffering from complications to a previous back injury.

James was extremely happy to find that I, his friend, had a bunk just next to his new bunk in H-dorm. After telling me the circumstances as to why he had been moved, James asked if I would be willing to assist him to the bathroom, or shower, and to other places he needed to go. I was happy to help him in any way I could.

As I watched James put his personal items away, I notice that he seemed to favor his left side, he also seemed to suffer with extreme pain as he moved. When I would help him to the bathroom

I would support his left side as he slowly struggled the 80 or so feet to the bathroom. Over the next few weeks James seemed to get worse each day, until in the end, he was pretty much dragging his left foot and leg.

During this time I would bring James his meals from the Chow-hall to the dorm, and keep him company as he ate.

I also assisted James to Pill-line to get his medications. I would borrow a wheelchair from another disabled inmate and wheel him to and from the Medrooms at Oquirrh Five.

Both James and I verbally; and I believe James also made written requests, for the use of a wheelchair to facilitate his required movements (i.e. to the bathroom, pill-line, etc...). The Med-techs said the requests were submitted, but a wheelchair was never forthcoming, nor were we able to confirm the Med-techs allegations that our request had been forwarded.

During one trip to pill-line, after James again requested the use of a wheelchair, the two Med-techs (names unknown) told him that he was to remain in his bunk, and they would deliver his meds to him in the dorm. This worked okay for his meds, but I was still having to, almost, carry him to and from the bathroom.

② next →

After the next shift change for the Med-techs, I stopped by that morning to be sure they knew that James Heed's meds were being delivered to the corm. At this time, I was informed by Med-tech Mark (last name unknown); in a very contentious and belligerent manner, that James Heed would not be getting a wheelchair, that James would no longer attempt to manipulate the system, that he, James, would walk to Pill-line to receive his meds, and if any inmate loaned James a wheelchair, that he, the person that loaned the wheelchair, would lose the use of a wheelchair also.

In these two or three weeks that I was assisting James, I watched his health deteriorate as his pain increased. He became weaker on his left side each day. I also saw him fall as he stepped over the threshold of the shower as his left leg gave way.

These are my observations and personal opinions, and I declare, under penalty of perjury pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Respectfully submitted the 26th day of September, 2010.

Robert R. Bulm
Off. # 166051

③ end

**UTAH STATE PRISON · CLINICAL SERVICES BUREAU
MEMORANDUM**

TO: HEAD, JAMES

OFF #: 147204

O5 E E 20

FROM: MEDICAL CLEARANCE REVIEW COMMITTEE

SUBJECT: DENIAL OF REQUESTED MEDICAL CLEARANCE

DATE: 9 JULY 2010

This memo is to inform you that your request for a

BOTTOM BUNK

has been reviewed by the Clearance Review Committee
and has been denied at this time.

If you wish to discuss the denial of your clearance request,
please submit an Inmate Care Request (ICR).

Clearance

INMATE GRIEVANCE FORM

GF-1

INMATE'S NAME James Head ^{OSP #147204} USP # 32495 HOUSING AREA Q.05, H-12

SECTION 1 - INFORMAL ACTION To be completed by inmate:

Specific nature of grievance (who, what, when, where and how):

Proper Medical Care - (Who) Medical Clearance Review Committee & Logan Clark. ABOUT getting Bottom TIER and Bottom Bunk Clearances. on 06/14/10 - ON THE Medical Kite I Requested the above clearances. On 06/22/10 I saw Logan Clark - He said "He would Submit Request for Clearances. Pains Increasing and Condition Worsened. I put in a Health Care Request again for the same Bottom Bunk and Bottom Tier Clearances (Charged Twice) On a 2nd Medical Clearances and I saw Cody Carlton on 06/30/10 - And Cody Carlton said Logan Clark NEVER Submitted Any Clearances. ~~at 8:00 am~~ The Medical Clearance Committee Denied my Requests on 07/22/10 - On 07/23/10 at 2:10-2:15 I TRIED to go to Vernal and tried to stand-up But Back and Legs gave out And I Collapsed.

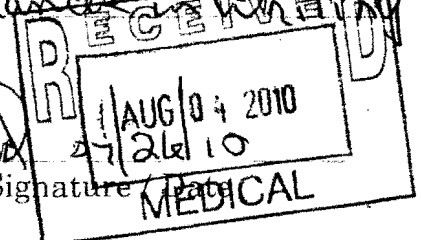
Identify those contacted regarding your grievance and state what YOU HAVE DONE to solve the issue:

I Went to the Infirmary Saw Dr. Tubbs 10 sec's didn't get a chance to Request anything - Another P.D. in the Room to tell me I was going Back at a 11:00 am Movement and I asked Him for a Bottom tier - Both Bunk Clearance and IF He would Call to Q.05 Sgt. Peard to make a Move. When I got to Q.05, Pot said He would Move me on the Ground Floor. But I have NO Written Clearances from the Medical Dept. and was SNUBBED or IGNORED the Gravity of Condition. I ASKED NURSE Mark Mochon Friday for a Wheel Chair Cause I have Severe pains in Low Back & Hip! Left Buttocks and all the way down left leg and Both Legs, NOW go out on me - Can't Walk Saturday and Sunday at Full Line Med Techs BRING me Meds and I Request every day - Like today the 07/26/10 I Request a Wheel Chair - And NOW my Left Leg is paralyzed at the Left Kne

What is the specific remedy you seek?:

Adequate or proper Concern and Consideration for Treatment - Blame of as a Muscle Strain when IT'S NOT Muscle - But AS I Stated to ALL Staff - Except Tubbs, Left after 10 seconds - That 18 yrs. ago I was in a Mining Accident and have Herniated Discs L-4, L-5, S-1. So I DO KNOW the Differences when I see proper Care, Concern and Treatments - NOW my Left Leg is Paralyzed because of Negligence of Medical Clearance Committee and Logan Clark NOT Submitting Request and (24 days) later won't even "give me a wheel" and Clearances in writing.

James Head
Inmate's Signature



INMATE GRIEVANCE FORM

GF-1

(Page 2)

IF YOU HAVE NOT RESOLVED THE GRIEVANCE AT THE INFORMAL LEVEL AND WISH TO APPEAL TO LEVEL TWO (FORMAL), THE INMATE MUST COMPLETE SECTION 2 AND FORWARD TO THE LEVEL ONE DTO WHO SHALL FORWARD IT WITH ALL LEVEL ONE GRIEVANCE INFORMATION TO THE INMATE GRIEVANCE DTO FOR THE DIVISION DIRECTOR'S OFFICE.

SECTION 2 -- FORMAL GRIEVANCE ACTION

To be completed by the inmate:

Why is the Informal Response unacceptable? (Be specific)

your Reply didn't adress the Issues of ~~gross~~ gross Medical Negligence - Even denying me a wheel chair and forced to walk with someone supporting my Lack of Balance with Excruciating Severe Pain of a Shattered L-2, L-3 Disc. This is the Deliberate Indifference of Proper medical Care and the Now severe loss of the Right leg strength and Right weakness by 50% and the Left Leg is NO Response to Reflex of the ability to use or move or Functions Need to ~~stand~~ stand and Support my Balance on the Quality of usage of Normal walking up to 23rd July 2010. I am now saying it was unjust Medical assistance up to the 30th 2010 that caused serious Body damage of now being H.D.A., with good cause showing for Deliberate Indifference and is NOT Resolved. Going to the Infirmary and Hospital and Receiving this 1st Step grievance on wed. 11th 2010 it is NO Fault of my own on timely need to Reply.

James Reed 11/15/2010
Inmate's Signature/Date ~~Aug~~

Dear Frank:

10 Sept. 2010
James HEAD
147204
Wasatch D-BLK #104B

Here are some more "Original" the State of going to the Infirmary for 3 wks!
 After finally (spelling) I got P.M. mail and putting the letters out - Anyway tonight
 Couldn't sleep until I got this needed work (off my chest; mind done) ^{you!} know
 And in small writing Sorry - Subpoena the (6) Six Cameras -
 THAT SHOW - Accident - Just Standing up - Cracking a nut I was told
 Between Hip and L-2, L-3 - Disc Caught in Between Jammed Facets
 Clearance Shattering Disc - 7 days of Hell Caught on "TAPE" - dit
 Oquirrh 05, 1 prison Destroy C-D's 24 hrs a day 30 days a month - Sure
 they use them CD's tapes against us - How about a guy Holding
 onto the arms of other to walk "Denied Wheel Chair" Had to borrow or Beg?
 = God Bless" 10 Sept 2010 - James Head.

(after the fact)

UTAH DEPARTMENT OF CORRECTIONS
BUREAU OF CLINICAL SERVICES
LEVEL ONE GRIEVANCE
STAFF RESPONSE

GRIEVANCE NUMBER: 9908-76-439

INMATE NAME & NUMBER: James Head, # 147204

HOUSING: OQ 5 H-12

DATE: 8-6-10

Referring to wanting a clearance for a bottom tier, bottom bunk, these issues were addressed again on 7-30-10 at which time PA Clark found physical changes that occurred and you were admitted to the Infirmary for closer follow-up and review by Dr Tubbs. After you return from having surgery the request for such clearances can be re evaluated.

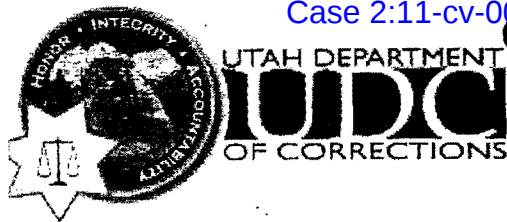
You may appeal this decision through a level 2 grievance per FDR 02/03.02.

Pauline Sturdy RN
Clinical Staff

Original: Returned to Inmate
Copy: Level One Grievance file

(NOTE: 3) I certify this truth
James Head 25th Aug 2010

(1st) NOTE: By Inmate James Head #147204 25th Aug. 2010
For 7 days I suffered cruel & Unusual Suffering
N.A. 4th shattered Disc current 25th Aug - 7th Aug



Division of Institutional Operations

State of Utah

Thomas E. Patterson
Executive Director

Steven Turley
Division Director

Robyn Williams
Deputy Director - Operations

Alfred Bigelow
Draper Site Warden

Mike Haddon
Deputy Director - Administration

August 26, 2010

Inmate James Head #32495/147204
Wasatch D 104B
Utah State Prison
P.O. Box 250
Draper, UT 84020

RE: **Level 2 Response**
Reference: 990876439

Inmate Head:

I have reviewed your grievance. You allege due to a back injury suffered in a mining accident you need a bottom bunk clearance. You request adequate, proper concern for your medical condition.

Your medical records show you have recently had surgery to correct a ruptured disk in your back. I hope you are starting to feel a little better. It appears your medical condition is being adequately and properly addressed.

You are currently assigned a bottom bunk in B block. Dr. Garden has authorized a 6 month bottom bunk clearance for you.

Your grievance remedy is resolved.

You may appeal the Level 2 decision by following the procedure outlined in FDr 02/03.04.

Billie Casper
Billie Casper, Inmate Grievance Coordinator

A. C. Bigelow
A. C. Bigelow, Warden
Utah State Prison

76439

GF-3

Page # 1

CONTINUANCE FORWARDED

9.7.10

TO LEVEL 3

INMATE COPY

SUPPLEMENTAL GRIEVANCE PAGE

Reference No: 990876439

Subject Code: _____

Location Code: _____

Day/Month/Year: 1st Sept 2010Level: *3 Grievance

1. ISSUE ONE June 14th 2010, by End of Day Right Leg Tired and
 06/22/2010 - Saw Logan Clark - He said "HE Would Submit Request for
 Bottom tier - Bottom - Bunk - 2nd Medical file for Bottom tier - Bottom Bunk Clearance
 06/30/2010 - given Miloxican by Carl Carlton He put in for Bottom tier Bottom
 Bunk - "Still Inmate Accounting Showed #3 medical file's and Visit's and Denials
 of the Medical Clearance Committee - And #3 time for a Wheel Chair after 23rd July
 2010. IT IS with Great GROSS Medical Negligence and Cruel and
~~Unusual~~ punishment - Medical Malpractice that is upon
 Med. Tech. Mark Moch and Dr. Tubbs - "Diagnosis of A Sprained Low-Back
 and By the Way (with Great Medical Records from (2) Spine Institute's And L-4th
 with "good" Conservative Care for 18 yrs. (tell me on what Level #1 or #2 Address
 Was the prior Injuries? But for 7 Days - I Was "Forced and Told
 By Mark Moch and Dr. Tubbs "To Walk" on a L-2 and L-3 "Shattered"
 Disc - I've Been told the disc was ~~shattered~~ "Chunks of Crab Meat"
 I Have as a Result 100% Paralyzed Left Leg and 50%
 Muscle Atrophy as well 100% Right Leg strength loss -
 And Even Today Medical Records Prove this By OBTAINED
 V.O.U. Neurologist - And Neuro-Surgeon - faults Recogniz-
 ations and finding, Have and ARE ALSO, Deliberate -
 Indifference to Proper Care and Concern "BEFORE" Arrival at
 V.O.U. Medical - Refutable Permanent Injuries Due to Gross Negligence
 GROSS Medical Negligence at VSP - Medical Dept. From 23rd July 2010 to
 Dr. Tubbs - Said on Aug. 15th 2010 - Inmate's False pain for med. Me. Aug. 3rd 2010
 "STEREOTYPED"

James Head #147204
 INMATE'S SIGNATURE

1st Sept. 2010
 DATE

(MUST BE FILLED OUT IN BLACK INK)



Utah Department of Corrections

TOM PATTERSON
Executive Director

MIKE HADDON
Deputy Director

Hearing Office

5 October 2010

Inmate James Head #147204
Wasatch D #104

Inter-facility

RE: Level Three Grievance Number 990876439

I have reviewed your grievance and other relevant information. **There is no further administrative review available.** If you are dissatisfied with this response and wish to take further action, this level three grievance response will serve as evidence you have exhausted the administrative remedy process. **Your only recourse is to seek a judicial remedy.**

On October 5, 2010, I reviewed the above-noted grievance. You allege you need a bottom bunk and tier clearance. You request concern for your medical condition.

Medical records show you have been authorized for a bottom bunk and bottom tier clearance during August 2010. You are receiving on-going treatment for your medical problem, e.g., medication, physical therapy, etc. I cannot find any evidence of medical negligence or deliberate indifference like you claim.

Your grievance is resolved.

Craig Balls
Hearing Office,
Utah Department of Corrections

Tracking #2010-316

GRAMA Classification - PRIVATE



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Utah Department of Corrections DIVISION OF INSTITUTIONAL OPERATIONS

THOMAS E. PATTERSON
Executive Director

MIKE HADDON
Deputy Director

ROBYN WILLIAMS
Deputy Director

STEVEN TURLEY
DIO Division Director

October 4, 2010

Inmate James Head, # 147204
Utah State Prison—Wasatch D

Dear Inmate Head,

The ADA Review Committee recently reviewed your request for a "wheelchair pusher". This request has been approved and housing unit managers will assign a helper to you. If you have any further questions or concerns, please feel free to contact me at any time.

Sincerely,

Angie Stevens
DIO ADA Coordinator

CC: Larry Bussio, Deputy Warden

Patient: HEAD, JAMES
Housing: SP WAS WD 1 04 B
Rlse. Date: 06/11/2013
Age: 59 **MRN:** 08787251

Offender #: 147204
Security Class: 1-B
Mth. To Rlse.: 33.9
Date of Birth: 1951-02-12

Allergies: 

Active DX: BACKACHE, UNSPECIFIED | PAIN IN JOINT INVOLVING MULTIPLE SITES | ALLERGIC RHINITIS | ROUTINE GENERAL MEDICAL EXAMINATION AT A HEALTH CARE FACILITY | CONSTIPATION | HEARTBURN | INFLAMMATORY DISEASES OF PROSTATE | MAJOR DEPRESSIVE DISORDER, RECURRENT EPISODE | ENCOUNTERS FOR ADMINISTRATIVE PURPOSES |

Medical Issue Detail - ORDERED

Selected DX

BACKACHE, UNSPECIFIED (724.5)

Order 485598 | 7816042

Updated By: rgarden | 08/26/2010 09:01

Ordered by: RICHARD GARDEN, MD **Date:** 08/26/2010 **Time:** 09:01

Order Type: WRITTEN BY PROVIDER

Charted by: RICHARD GARDEN, MD **Date:** 08/26/2010 **Time:** 09:01

Confirmed by: RICHARD GARDEN, MD **Date:** 08/26/2010 **Time:** 09:01

Stat: NO **Nurse Note Req:** NO

Refusals: 0 

Referenced ICR's:

Description

Received Date

No Linked ICRs Found

Conditions

Medical Items: BOTTOM TIER

Other Item(s)/
Comments: S/P discectomy bottom tier x 6 months.

Valid Until: 08/21/2011

Clearance

By:



☒ Accepted ☐ Rejected

Date:



Issued

By:

Date:

Returned

By:

Date:

[Back](#)

[Discontinue](#)

MedicalIssueDetail.jsp

Patient: HEAD, JAMES
Housing: SP WAS WD 1 04 B
Rise. Date: 06/11/2013
Age: 59 **MRN:** 08787251

Offender #: 147204
Security Class: 1-B
Mth. To Rise.: 33.9
Date of Birth: 1951-02-12

Allergies: 

Active DX: BACKACHE, UNSPECIFIED | PAIN IN JOINT INVOLVING MULTIPLE SITES | ALLERGIC RHINITIS | ROUTINE GENERAL MEDICAL EXAMINATION AT A HEALTH CARE FACILITY | CONSTIPATION | HEARTBURN | INFLAMMATORY DISEASES OF PROSTATE | MAJOR DEPRESSIVE DISORDER, RECURRENT EPISODE | ENCOUNTERS FOR ADMINISTRATIVE PURPOSES |

Medical Issue Detail - ORDERED

Selected DX

BACKACHE, UNSPECIFIED (724.5)

Order 485597 | 7816035

Updated By: rgarden | 08/26/2010 09:01

Ordered by: RICHARD GARDEN, MD **Date:** 08/26/2010 **Time:** 09:00

Order Type: WRITTEN BY PROVIDER

Charted by: RICHARD GARDEN, MD **Date:** 08/26/2010 **Time:** 09:01

Confirmed by: RICHARD GARDEN, MD **Date:** 08/26/2010 **Time:** 09:01

Stat: NO **Nurse Note Req:** NO

Refusals: 0 

Referenced ICR's:

Description

Received Date

No Linked ICRs Found

Conditions

Medical Items: BOTTOM BUNK

Other Item(s)/
Comments: S/P discectomy bottom bunk x 6 months.

Valid Until: 08/21/2011

Clearance

By:

☒ Accepted ☐ Rejected

Date:

Issued

By: **Date:**

Returned

By: **Date:**

[Back](#)

[Discontinue](#)

MedicalIssueDetail.jsp